

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States of America,

—v—

Ghislaine Maxwell,

Defendant.

20-CR-330 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On December 16, 2020, the Government filed its opposition to Defendant Ghislaine Maxwell’s renewed application for bail. In accordance with this Court’s December 7, 2020 Order, *see* Dkt. No. 89, the Government filed its materials under seal and proposed narrowly tailored redactions on those materials. The Defendant did not file any opposition to the Government’s proposed redactions.

The Court will adopt the Government’s proposed redactions after applying the three-part test articulated by the Second Circuit in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under this test, the Court must: (i) determine whether the documents in question are “judicial documents;” (ii) assess the weight of the common law presumption of access to the materials; and (iii) balance competing considerations against the presumption of access. *Id.* at 119–20. “Such countervailing factors include but are not limited to ‘the danger of impairing law enforcement or judicial efficiency’ and ‘the privacy interests of those resisting disclosure.’” *Id.* at 120 (quoting *United States v. Amodeo* (“*Amodeo II*”), 71 F.3d 1044, 1050 (2d Cir. 1995)).

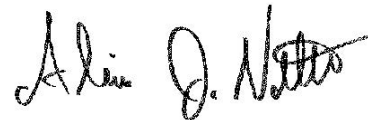
The proposed redactions satisfy this test. The Court finds that the Government’s submissions are “relevant to the performance of the judicial function and useful in the judicial process,” thereby qualifying as a “judicial document” for purposes of the first element of the

Lugosch test. *United States v. Amodeo* (“*Amodeo I*”), 44 F.3d 141, 145 (2d Cir. 1995). And the Court also finds that the common law presumption of access attaches. *Id.* at 146; *see also Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 602 (1978). Nevertheless, the proposed redactions are narrowly tailored to serve substantial interests, including, most importantly, third parties’ personal privacy interests. *See Under Seal v. Under Seal*, 273 F. Supp. 3d 460, 467 (S.D.N.Y. 2017).

The Government is hereby ORDERED to docket the redacted documents and corresponding exhibits by no later than December 18, 2020.

SO ORDERED.

Dated: December 18, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN
United States District Judge